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April 24, 2025

By ECF

Hon. Mary Kay Vyskocil
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *American Association of University Professors et al. v. United States
Department of Justice et al.*, 25 Civ. 2429 (MKV)

Dear Judge Vyskocil:

We are counsel to the law professors and First Amendment scholars¹ identified in Appendix A to the accompanying amicus brief, writing to respectfully move this Court for leave to file an *amicus curiae* brief in the above-captioned matter in support of Plaintiffs' Motion for a Preliminary Injunction. Plaintiffs consent to this motion and Defendants do not oppose.

"District courts have broad discretion to permit or deny the appearance of amici curiae in a given case." *United States v. Yaroshenko*, 86 F. Supp. 3d 289, 290 (S.D.N.Y. 2015) (quoting *United States v. Ahmed*, 788 F. Supp. 196, 198 (S.D.N.Y. 1992)). "The primary reason to allow *amicus curiae* briefing is that the *amicus curiae* offer insights not available from the parties, thereby aiding the Court." *Andersen v. Leavitt*, No. 03-CV-6115 DRHARL, 2007 WL 2343672, at *2 (E.D.N.Y. Aug. 13, 2007) (internal quotation omitted); *see also United States v. Yonkers Contracting Co.*, 697 F. Supp. 779, 781 (S.D.N.Y. 1988) (explaining that the court granted leave to file an *amicus curiae* brief "since the additional brief would aid this Court in

¹ No counsel for a party authored this brief in whole or in part. No party or party's counsel contributed money that was intended to fund preparing or submitting the brief. No person other than *amici curiae* or their counsel contributed money that was intended to fund preparing or submitting the brief.

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evaluating [the pending] motion”). Participation of amicus is especially welcome if the case “involve[s] matters of public interest.” *Andersen*, 2007 WL 2343672, at *2 (citation omitted).

Here, *amici*’s proposed brief would shed light on the important First Amendment principles at issue in this case. The law professors and First Amendment scholars who seek to file this *amicus curiae* brief have taught courses on freedom of speech, published articles and books on First Amendment doctrine and history, and dedicated significant attention to the study of First Amendment protections. *Amici* submit this brief to assist the Court in considering the First Amendment issues presented, for which they are uniquely positioned given their decades of scholarship on the subject.

The outcome of this case will have profound implications for not just Columbia University, but other private academic institutions, and the public, too. Defendants violate longstanding First Amendment principles by threatening the loss of federal funds if Columbia does not comply with their demands. In so doing, Defendants attempt to control how the university manages the speech of its students and faculty, how it governs itself, who it admits to the university, and how it educates. This conduct is not only unconstitutional but threatens academic freedom more broadly and erodes the foundation of our democracy.

Amici have a strong interest in the outcome of this case and their scholarship provides them unique insights into the legal and policy implications at issue. For the foregoing reasons, the *amici* identified in Appendix A to the accompanying proposed brief respectfully request that the Court grant this motion and accept for filing the accompanying *amicus curiae* brief.

We thank the Court for its consideration.

Respectfully submitted,

/s/

Matthew D. Brinckerhoff
Sara Luz Estela